

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BOARD OF TRUSTEES, SHEET METAL)
WORKERS' NATIONAL PENSION)
FUND, *et al.*,)
)
Plaintiffs,)
)
v.)
)
SUPERIOR BALANCE &)
COMMISSIONING, INC.,)
)
Defendant.)
_____)

Civil Action No. 1:13-cv-1159 (AJT/TCB)

ORDER

This matter is before the Court on the Report and Recommendation (Doc. No. 13) of the Magistrate Judge recommending that default judgment be entered against defendant Superior Balance & Commissioning, Inc. ("Superior Balance") in favor of plaintiffs Board of Trustees, Sheet Metal Workers' National Pension Fund ("NPF"), the Board of Trustees for the Sheet Metal Workers' National Supplemental Savings Plan ("NSSP"), the Board of Trustees of the International Training Institute for the Sheet Metal and Air Conditioning Industry ("ITI"), the Board of Trustees of the National Energy Management Institute Committee ("NEMI"), the Board of Trustees of the Sheet Metal Occupational Health Institute Trust ("SMOHIT"), the Sheet Metal Workers' International Association Scholarship Fund ("Scholarship Fund") and the Stabilization Agreement for the Sheet Metal Industry ("SASMI") (collectively, "plaintiffs" or "Funds") in the amount of \$5,432.95 for the sum of unpaid contributions. The Magistrate Judge also recommends that default judgment be entered against defendant in the amount of \$1,045.81 in interest calculated at 0.0233 percent, compounded daily, through December 5, 2013, \$1,086.01 in liquidated damages, \$757.70 in late fees and \$5,206.28 in attorneys' fees and costs.

The Court conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge. Accordingly, it is hereby

ORDERED that Plaintiffs' motion for default judgment (Doc. No. 7) be, and the same hereby is, GRANTED; it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff Board of Trustees, Sheet Metal Workers' National Pension Fund ("NPF") in the amount of \$1,386.18 in unpaid contributions; \$277.14 in liquidated damages; \$264.78 in accrued interest through December 5, 2013; and late fees in the amount of \$276.27; plus interest accruing from December 5, 2013 until the date of payment accruing at the rate of 12% per annum, for a total award to plaintiff NPF of \$2,204.37, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff Board of Trustees for the Sheet Metal Workers' National Supplemental Savings Plan ("NSSP") in the amount of \$536.89 in unpaid contributions; \$107.28 in liquidated damages; \$102.44 in accrued interest through December 5, 2013; and late fees in the amount of \$106.55; plus interest accruing from December 5, 2013 until the date of payment accruing at the rate of 12% per annum, for a total award to plaintiff NSSP of \$853.16, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff Board of Trustees of the International Training Institute for the Sheet Metal and Air Conditioning Industry ("ITI") in the amount of \$335.16 in unpaid contributions; \$66.96 in liquidated damages; \$62.76 in accrued interest through December 5, 2013; and late fees in the amount of \$73.19; plus interest accruing from December 5, 2013 until the date of payment

accruing at the rate of 12% per annum, for a total award to plaintiff ITI of \$538.07, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff Board of Trustees of the Sheet Metal Occupational Health Institute Trust ("SMOHIT") in the amount of \$55.93 in unpaid contributions; \$11.11 in liquidated damages; \$10.47 in accrued interest through December 5, 2013; and late fees in the amount of \$11.97; plus interest accruing from December 5, 2013 until the date of payment accruing at the rate of 12% per annum, for a total award to plaintiff SMOHIT of \$89.48, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff Board of Trustees of the National Energy Management Institute Committee ("NEMI") in the amount of \$83.86 in unpaid contributions; \$16.69 in liquidated damages; \$15.74 in accrued interest through December 5, 2013; and late fees in the amount of \$17.86; plus interest accruing from December 5, 2013 until the date of payment accruing at the rate of 12% per annum, for a total award to plaintiff NEMI of \$134.15, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff Sheet Metal Workers' International Association Scholarship Fund ("Scholarship Fund") in the amount of \$55.93 in unpaid contributions; \$11.11 in liquidated damages; \$10.47 in accrued interest through December 5, 2013; and late fees in the amount of \$11.97; plus interest accruing from December 5, 2013 until the date of payment accruing at the rate of 12% per annum, for a total award to plaintiff Scholarship Fund of \$89.48, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiff Stabilization Agreement for the Sheet Metal Industry ("SASMI") in the amount of \$2,979.00 in unpaid contributions; \$595.72 in liquidated damages; \$579.15 in accrued

interest through December 5, 2013; and late fees in the amount of \$259.89; plus interest accruing from December 5, 2013 until the date of payment accruing at the rate of 12% per annum, for a total award to plaintiff SASMI of \$4,413.76, plus interest; and it is further

ORDERED that default judgment be, and the same hereby is, entered against defendant in favor of plaintiffs in the amount of \$5,206.28 in attorneys' fees and costs.

The Clerk is directed to enter judgment in accordance with this Order pursuant to Fed. R. Civ. P. 58 and to forward copies of this Order to all counsel of record and to:

Superior Balance & Commissioning, Inc.
Greg Glendenning, Registered Agent
3316 Barbera Street
Greeley, CO 80634



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
March 20, 2014